

REMARKS

Claims 2-48 were in the application. In response to the office action mailed after the appeal brief, claims 15, 16, 20-25, 30-36, 38 and 39 were indicated as allowable (subject to being objected as dependent upon a rejected base claim, etc.). The remaining claims were rejected under Section 103 in view of Smith and Tonozuka

While Applicant continues to believe that the previously submitted claims are neither disclosed in nor suggested by the cited references, whether taken alone or in combination, in an effort to expedite prosecution Applicant has decided to rewrite claims 15, 16, 20-25, 30-36, 38 and 39 to address the rejected base claim objection. For the convenience of the Examiner, Applicant notes that claim 2 has been rewritten to incorporate the elements of allowed claim 30 and claim 30 deleted and claims 29, 31 and 32 amended to depend from allowable claim 2 (it is submitted that claims dependent from claim 2 should also be allowable); claim 15 was rewritten in independent form, and thus claims 9-14 were deleted and claims 17 and 18 were amended to depend from allowable claim 15; claim 20 was rewritten in independent form, and thus claim 19 was deleted and claims 26 and 27 were amended to depend from allowable claim 20; and claims 33-36 and 38 were rewritten in independent form. Claim 41 also was amended to depend from allowable claim 2. Thus, such claims, and their dependents, should now be in condition for allowance.

With respect to the rejection of claim 37, Applicant respectfully traverses this rejection. Claim 37 has been rewritten in independent form and amended to clarify an important aspect of this claim; namely, the first system operates to make one or more spectral measurements after color normalization or calibration based on the color normalization or calibration data generated at the second location remote from the first location. Performing color normalization or calibration for spectral measurement device based on remotely provided color normalization or calibration data is not found to be disclosed or suggested in any of the references. Applicant has reviewed the portion of Fawcett cited by the Examiner, namely col. 2, lines 17-21, and this reference appears to say that a previously purchaser (user) of a software product may automatically learn or

obtain an update or fix or help files or help utilities, etc. It is a far reach from this teaching of Fawcett to conclude that it suggests a combination with Smith and the transmission of color normalization or calibration data to improve spectral measurements taken at a remote location. Color normalization/calibration are quite important for accurate color/spectral measurements, and there is no suggestion in any of the cited references of remotely making available color normalization or calibration data for subsequent use in a color measurement system, etc.

Thus, Applicant submits that claim 37 also patentably distinguishes over the cited references.

With respect to the rejection of claims 47 and 48, Applicant also respectfully traverses this rejection. Claim 47 discloses transmission via the electronic connection spectral data taken at the first location to a remote second location, and the claimed method has been amended to expressly recite “for providing one or more articles of desired color characteristics at a location remote from a location of the spectral measurement device.” Applicant has reviewed the portions of Smith cited by the Examiner (see, e.g., col. 4, lines 35-43), and this discloses local feedback of color information to generate control signals for adjusting the flow rate of the nylon material in feeder 12 and/or the colorant contained in feeder 14 . . . in order to vary the input to mixer 20. This teaches precisely the opposite of what Applicant has described and claimed; namely, completely remote from the location where the spectral measurement is made, at a remote second location (which can be across the world but in any event is not at the same location as the color measurement as in Smith) one or more articles are provided, manufactured, generated, etc.

Accordingly, Applicant submits that the rejection of claim 47 and 48 should be withdrawn, and these claims also allowed.

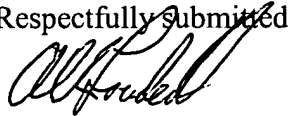
No new matter has been added.

If there are any further questions regarding this application, Applicant’s Attorney requests an opportunity to discuss such matters with the Examiner by way of a telephone interview or in-person interview. In particular, in view of the long prosecution history of

this application, Applicant requests an interview to address any outstanding matters in an effort to put this case in condition for allowance.

Please charge any additional fees due, or credit any overpayment, to Deposit Account No. 50-0251.

Respectfully submitted,



Alan R. Loudermilk
Registration No. 32,788
Attorney for Applicant(s)

January 2, 2004
Loudermilk & Associates
P.O. Box 3607
Los Altos, CA 94024-0607
408-868-1516

I hereby certify that the foregoing is being deposited with the U.S. Postal Service, postage prepaid, to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 2nd day of January, 2004.

